



Legislation Text

File #: Res 0222-2014, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 222

Resolution approving the decision of the City Planning Commission on Application No. N 140191 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) in Community District 4, Borough of Manhattan (L.U. No. 47).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on March 21, 2014 its decision dated March 19, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by BOP West 31st Street LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) (Application No. N 140191 ZRM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 23, 2014;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 14DCP077M) issued on December 2, 2013 (the "Negative Declaration")

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140191 ZRM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article IX: Special Purpose Districts

Chapter 3: Special Hudson Yards District

93-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson Yards District# Plan.

The District Plan includes the following six ~~ten~~ maps in Appendix A of this Chapter:

Map 1 - Special Hudson Yards District, Subdistricts and Subareas

Map 2 - Mandatory Ground Floor Retail

Map 3 - Mandatory Street Wall Requirements

Map 4 - Mandatory Sidewalk Widening

Map 5 - Transit Facilities

Map 6 - Sites Where Special Parking Regulations Apply

Subdistrict Plans include the following five maps in Appendix B of this Chapter:

Map 1 - Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan

Map 2 ~~Map 7~~ - Subdistrict F: Site Plan

Map 3 ~~Map 8~~ - Subdistrict F: Public Access Area Plan

Map 4 ~~Map 9~~ - Subdistrict F: Mandatory Ground Floor Requirements

Map 5 ~~Map 10~~ - Subdistrict F: Mandatory Street Wall Requirements

The Maps are located within Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

* * *

93-04

Subdistricts and Subareas

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

* * *

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter. Additional requirements for specific subdistricts, or portions thereof, are outlined in Appendix B of this Chapter.

* * *

**93-14
Ground Floor Level Requirements**

* * *

(b) Retail continuity along designated streets in Subdistrict F

Map 4 ~~Map 9~~ (Subdistrict F: Mandatory Ground Floor Requirements) in Appendix B ~~Appendix A~~ specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the #building's street# frontage, as indicated for each location on Map 4 in Appendix B ~~Map 9~~.

(1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section shall apply to the ground floor #street# frontage of #buildings# along Eleventh Avenue. In addition, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

(2) Along designated streets other than Eleventh Avenue

In addition to the #uses# listed in paragraph (a) of this Section, the following #community facility uses# from Use Groups 3 and 4 as well as the following #commercial use# from Use Group 6B shall be permitted within a #story# that has a floor level within five feet of #curb level# for frontages along designated #streets#, as shown on Map 4 in Appendix B ~~Map 9~~, other than Eleventh Avenue.

* * *

**93-17
Modification of Sign Regulations**

* * *

(b) Subdistrict F

For the purposes of calculating the permitted #surface area# of a #sign#, each site set forth on Map 2

~~Map 7~~ (Subdistrict F; Site Plan) in Appendix B ~~Appendix A~~ shall be considered a separate #zoning lot#.

* * *

93-221

Maximum floor area ratio in the Farley Corridor Subdistrict B

a) Western Blocks Subarea B1

In the Western Blocks Subarea B1 of the Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122 Certification for residential use in Subdistricts A, B and E).

b) Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122.

c) Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted.

d) Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section 93-22 shall be permitted only pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea) and Section 74-79 (Transfer of Development Rights from Landmark Sites), as modified by paragraph (b) of Section 93-054 (Applicability of Chapter 4 of Article VII).

(e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

* * *

93-522

Ninth Avenue ~~rail yard~~ Rail Yard

The provisions of this Section shall apply within the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building or other structure# shall exceed a height of 150 feet within 15 feet of a #wide street line# and 20

feet of a #narrow street line#. However, on a #narrow street#, a #building# may rise without setback provided no part of such #building# is within 15 feet of the #narrow street line#.

No #rear yard# or #rear yard equivalent# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street.

* * *

93-56 Special Height and Setback Regulations in Subdistrict F

The height and setback regulations set forth in this Section, inclusive, shall apply to specific development sites identified as Sites 1 through 6 on ~~Map 2~~ Map 7 (Subdistrict F: Site Plan) in ~~Appendix B~~ Appendix A. All #buildings or other structures developed# or #enlarged# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area#, shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet, to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6).

Map 4 (Mandatory Sidewalk Widening) in Appendix A identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section 93-61.

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. ~~Map 3~~ Map 8 (Subdistrict F: Public Access Area Plan) in ~~Appendix B~~ Appendix A, identifies the location of publicly accessible open spaces, private streets, and pedestrian ways that are referenced in this Section.

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High Line#. General rules governing such publicly accessible open spaces are set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the West 32nd Street Extension (including the Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in ~~Appendix B~~ Map 8) and the West 31st Street Extension. Publicly accessible pedestrian ways are comprised of the West 30th Street Corridor, and the Connector. General rules governing such private streets and pedestrian ways are set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

For the purposes of applying height and setback regulations, the term “#buildings#” shall include #buildings or other structures#.

93-561

General rules for Subdistrict F

The following regulations shall apply to all #buildings# within Sites 1 through 6:

- (a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section, inclusive, wherever a #building# fronts upon any publicly accessible open space, private street or pedestrian way, as shown on Map 3 ~~Map 8~~ (Subdistrict F: Public Access Area Plan) in Appendix B, the boundary of such publicly accessible open spaces, private streets or pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 3 in Appendix B ~~Map 8~~. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent a #building#, to the sky, except as permitted:

* * *

93-562

Street wall regulations for certain streets

The locations of all #street walls# identified in this Section are shown on Map 5 ~~Map 10~~ (Subdistrict F Mandatory Street Wall Requirements) in Appendix B ~~Appendix A~~.

* * *

93-565

Site 3

* * *

- (c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 2 ~~Map 7~~ (Subdistrict F: Site Plan) in Appendix B ~~Appendix A~~, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower within Site 3 shall be a minimum of 100 feet taller than the tower height of Site 5.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

* * *

**93-566
Site 4**

* * *

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum base height of 120 feet shall be considered a tower and shall comply with the provisions of this paragraph, (c). Not more than one tower shall be permitted on Site 4.

(1) Maximum floor plate

The gross area of any such #story# shall not exceed 12,000 square feet.

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle, in plan, as shown on Map 2 ~~Map 7~~ (Subdistrict F: Site Plan) in Appendix B ~~Appendix A~~, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower on Site 4 shall be a minimum of 100 feet taller than any tower located on Site 3.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

**93-567
Site 5**

All #stories# of a #building# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall comply with the provisions of this Section.

On Site 5, a #building# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the #High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 3 ~~Map 8~~ (Subdistrict F: Public Access Area Plan) in Appendix B ~~Appendix A~~.

* * *

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building# is located so that it has portions on both sides of the #High Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle, in plan, as shown on Map 2 Map 7 (Subdistrict F: Site Plan) in Appendix B Appendix A, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower that spans the #High Line#, measured in any direction, shall not exceed 120 feet.

The maximum height of a tower on Site 5 shall be 350 feet.

93-568
Site 6

* * *

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 2 Map 7 (Subdistrict F: Site Plan) in Appendix B, may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission, that:

- (1) the Chairperson of the City Planning Commission is in receipt of a letter from the School Construction Authority that describes the need for the additional area;
- (2) the site and landscape plans for the Southwest Open Space have been approved by the Chairperson of the City Planning Commission, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F);
- (3) no portion of a tower located on Site 6 extends beyond 395 feet west of the Eleventh Avenue #street line#; and
- (4) any portion of a #building# located beyond 395 feet from the Eleventh Avenue #street line# shall affect southwesterly view corridors from the Central Open Space towards the Hudson River to the minimum extent necessary to accommodate a public #school#.

* * *

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, the requirements as set forth in paragraph (h) of Section 93-71, shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section 93-722 shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section 93-732 shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. ~~Such plan may provide for the outdoor plaza described in Section 93-71, paragraph (b), to be constructed in phases.~~ The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section 93-71 to be constructed in phases. For 450 West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections 93-722 and 93-732, respectively.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for

such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in paragraph (h) of Section 93-71, and Section 93-732. Issuance of a temporary or permanent certificate of occupancy for any #building# or portion of a #building# not occupied by an #ERY Culture, Festival and Exhibit facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

* * *

93-72

Public Access Areas at 450 West 33rd Street

For the purposes of this Section 93-72, inclusive, 450 West 33rd Street shall be considered The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by the eastern #street line# of Tenth Avenue, the northern #street line# of West 31st Street, the ~~Lincoln Tunnel Approach~~ a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 1 and 15, existing on (date of adoption). Any #development# or #enlargement# in such area shall provide public access areas in accordance with the provisions of this Section, 93-72, inclusive. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue the ~~Lincoln Tunnel Approach~~ and the southern #street line# of West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit. All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 am and 1:00 am.

(a) Through block connection

A publicly-accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the ~~Lincoln Tunnel Approach~~ bridge Dyer Avenue platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material

that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a #building# wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #public plazas# set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76 and 36-77.

Notwithstanding the foregoing, an #enlargement# that does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) Lincoln Tunnel Approach bridge Dyer Avenue platform

~~A publicly accessible pedestrian bridge shall be provided over the Lincoln Tunnel Approach linking the through block connection required pursuant to paragraph (a) of this Section with the through block passageway required pursuant to Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) or the covered pedestrian space required pursuant to Section 93-731 (Special requirements for zoning lots with floor area ratios greater than 10). Such bridge may be open or enclosed, and shall have a minimum width of 30 feet. If enclosed, such bridge shall have a minimum clear height of 15 feet.~~

A permanent easement shall be provided along the eastern edge of 450 West 33rd Street, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter, for the purposes of constructing the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Such easement shall have a minimum width of 33 feet. Any amenities required by paragraph (d) of Section 93-73 may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue platform required paragraph (d) of Section 93-73, as shown on Map 1 in Appendix B. The West 31st Street passageway shall be located at the same elevation as the Dyer Avenue platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of ten feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area (hereinafter referred to as the "Tenth Avenue podium") shall be provided at the corner of Tenth Avenue and West 31st Street, as shown on Map 1 in Appendix B. The Tenth Avenue podium shall have a minimum area of 1,800 square feet, be located at the same elevation as the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73, and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this

Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street #building#.

93-721

Design and maintenance requirements for Public Access Areas at 450 West 33rd Street

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section 93-72 shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section 93-72 shall comply with the applicable design standards set forth in this paragraph (a).

- (1) At least two litter receptacles in such public access areas shall be provided;
- (2) All open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage systems). In addition, a minimum of two wayfinding #signs# shall be provided;
- (3) The minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);
- (4) No gates, fences or other barriers shall be permitted within such public access areas; and
- (5) For the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner(s) shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-722

Certification for public access areas at 450 West 33rd Street

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), no temporary or permanent certificate of occupancy shall be issued by the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner

of Buildings that a phasing plan has been submitted requiring the West 31st Street Passageway and the Tenth Avenue Podium, required pursuant to paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street), respectively, to be substantially complete and open to and useable by the public.

93-73

Public Access Areas on the Ninth Avenue Rail Yard

The provisions of this Section shall apply to any #development# or #enlargement# on a #zoning lot# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. For such #zoning lots# with a #floor area ratio# greater than 2.0, the following easements shall be required:

- (a) a permanent easement shall be provided within 10 feet of and over the Lincoln Tunnel Approach for the purposes of facilitating the construction of the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72; and
- (b) a permanent easement with a minimum width of 60 feet shall be provided within 10 feet of the prolonged center line of West 32nd Street connecting the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue.

Where the #floor area ratio# on the #zoning lot# exceeds 4.0 but is not greater than 10.0, a publicly accessible through block passageway with a minimum width of 60 feet shall be provided within 10 feet of the prolonged center line of West 32nd Street. Such passageway shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge, required pursuant to paragraph (b) of Section 93-72, with Ninth Avenue.

No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

For the purposes of this Section 93-73, inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on (date of adoption). Any #development# in such area shall provide public access areas in accordance with the provisions of this Section, 93-73, inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section, 93-73. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61 (Pedestrian Circulation Space). The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 am and 1:00 am.

- (a) Entry Plaza

(1) Location and minimum dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the “entry plaza”), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza area shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required amenities

The entry plaza shall have the following amenities:

- (i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);
- (ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;
- (iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section 93-14 (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and
- (v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and minimum dimensions

A publicly accessible space (hereinafter referred to as the “central plaza”), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 187 feet north of and parallel to the northern #street line# of West 31st Street and a line 478 west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 in Appendix B. Except as provided in

paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension as measured from the #building# walls of the #buildings# facing onto the central plaza of 100 feet. The central plaza shall be open to the sky, except for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section.

(2) Required amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped Area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), and planting beds which, in the aggregate, occupy an area of at least 7500 square feet.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet of such total requirement shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating of such total requirement shall be provided of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west and parallel to the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the "event space"). Such event space shall have a maximum area of 4,500 square feet and may contain a temporary stage or platform and temporary seating associated with events. When such event space is not being used for an event, it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables, and during the period April 1 to November 15, two moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section.

(iv) Circulation paths

Circulation paths in the central plaza shall meet the following minimum requirements:

- (aa) pedestrian circulation paths extending the full length of the central plaza with an aggregate width of not less than 30 feet shall be provided;
- (bb) at least two of the required circulation paths with a minimum clear width of twelve feet shall be located within 20 feet of the facade of each #building# facing the central plaza ;
- (cc) in addition to the circulation paths required by paragraph (b)(2)(iv)(aa) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i)of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(bb) of this Section;
- (dd) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and
- (ee) a clear path with a minimum aggregate width of at least 20 feet shall be maintained where the entry plaza required pursuant to paragraph (a) of this Section and the central plaza required by paragraph (b) of this Section intersect and where the art plaza required pursuant to paragraph (c) of this Section and the central plaza required by paragraph (a) of this Section intersect, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza respectively.

(v) Transparency

The transparency requirements of paragraph (c) of Section 93-14 (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements) and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements). Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion

(and any seating associated with a use in the pavilion) shall be located at least ten feet west of the prolongation of the east face of the #building# fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet, with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one #story# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section 33-42, as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such associated seating shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60 percent of the exterior walls of the pavilion shall be transparent except for structural supports, provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(3) Alternative design option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue, and further provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(4) Closing of Event space

The City Planning Commission may allow the closing of the event space for up to 12 events per year pursuant to a restrictive declaration acceptable to the City and recorded in the office of the City Register for New York County and indexed against the property.

(c) Art Plaza

(1) Location and minimum dimensions

A publicly accessible space open to the sky (hereinafter referred to as the “art plaza”) shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street, as shown on Map 1 in Appendix B. The art plaza shall have a minimum area of 7,480 square

feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(2) Required amenities

The art plaza shall contain the following features and amenities:

- (i) a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);
- (ii) planting beds which, in the aggregate, occupy an area of at least 410 square feet;
- (iii) a minimum of 45 linear feet of seating;
- (iv) one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and
- (v) the transparency requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform

(1) Location and Minimum Dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the “Dyer Avenue Platform”), as shown on Map 1 in Appendix B. The Dyer Avenue platform shall include the easement area described in paragraph (b) of Section 93-72 and shall directly connect with the central plaza and the West 31st Street connector required by paragraphs (b) and (e) of this Section, respectively. The Dyer Avenue platform shall have a minimum east-west dimension of 53 feet, and a minimum north-south dimension of 455 feet. However, such minimum east-west dimension may be reduced to accommodate an extension of such existing egress stair in order to adjoin the level of the platform, or to accommodate up to 15 inches of additional exterior wall thickness added to the eastern face of the existing #building# at 450 West 33rd Street. Except for any portion of the Dyer Avenue platform which on [insert effective date of text amendment], was covered by the #building# located at 450 West 33rd Street and the existing egress stairs on the eastern face on such #building#, or the permitted additions thereto, respectively, the Dyer Avenue platform shall be open to the sky.

(2) Required Amenities

The Dyer Avenue platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue platform located within the easement provided pursuant to paragraph (b) of Section 93-72 (Public Access Areas at 450 West 33rd Street):

- (i) a minimum of sixteen trees (or other amounts equivalent to a minimum of 64 caliper inches), of which a minimum of twelve trees (or other amounts equivalent to a minimum

of 48 caliper inches) shall be located south of the center line of the prolongation of West 32nd Street;

- (ii) planting beds, which in the aggregate, occupy an area of at least 1500 square feet, of which a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of West 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iii) a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of West 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of West 33rd Street.
- (iv) the glazing requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue platform; and
- (v) at least two pedestrian circulation paths with a minimum clear path of 8 feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue platform, from West 31st to West 33rd Street.

Vertical circulation elements, including stairs and ramps traversing the grade changes of the Dyer Avenue platform shall be considered a part of the Dyer Avenue platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and Minimum Dimensions

A publicly accessible connection (hereinafter referred to as the “West 31st Street connector”) shall be provided between the Dyer Avenue platform required pursuant to paragraph (e) of this Section and West 31st Street, as shown on Map 1 in Appendix B. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue platform and shall have a minimum area of 450 square feet.

(2) Required Amenities

The West 31st connector shall be directly accessible from West 31st Street by a staircase with a minimum width of 8 feet and by an elevator.

(f) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the

west side of Ninth Avenue has been constructed, an entrance within the #development# shall be constructed that connects with such passage.

93-731

Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

- (1) Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive;
- (2) Where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the planting standards, soil requirements and irrigation standards set forth in Section 37-742;
- (3) Steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps);
- (4) Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73. Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-73;
- (5) All open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage system). In addition, a minimum of two wayfinding #signs# shall be provided;
- (6) Where #buildings# front on to public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions);
- (7) The aggregate number of litter receptacles in such public access areas shall be 21;
- (8) No gates, fences or other barriers shall be permitted within such public access areas; and
- (9) For the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-731

Special requirements for zoning lots with floor area ratios greater than 10

The provisions of this Section shall apply to any ~~development~~ or ~~enlargement~~ on ~~zoning lots~~ in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. Where the ~~floor area ratio~~ for any such ~~zoning lot~~ exceeds 10.0, paragraphs (a) through (d) of this Section shall apply:

(a) ~~Covered pedestrian space~~

A publicly accessible covered pedestrian space shall be provided within 10 feet of the prolonged center line of West 32nd Street. Such pedestrian space shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge required, pursuant to paragraph (b) of Section 93-72, with Ninth Avenue. Such covered pedestrian space shall:

- (1) be enclosed, with an average clear height of 60 feet, a minimum width of 60 feet and a minimum clear path of 20 feet;
- (2) have a roof of transparent material that allows for natural daylight to enter;
- (3) provide direct access to any ~~building~~ adjacent to such covered space; and
- (4) have retail uses fronting upon at least 50 percent of its northern and southern walls.

The maximum height of a ~~building~~ wall along the southern boundary of the covered pedestrian space shall not exceed the average height of the covered pedestrian space, or the height at which an arched or angled ceiling of the covered pedestrian space begins, whichever is less. Any portion of a ~~building~~ that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the covered pedestrian space.

Notwithstanding the provisions of this paragraph, (a), up to 40 percent of the area of a covered pedestrian space required pursuant to this paragraph, (a), may be open, provided such open area fronts upon Ninth Avenue and is directly accessible to the plaza required pursuant to paragraph (c) of this Section. Such open area shall be provided in accordance with the standards for ~~public plazas~~ set forth in Section 37-70, inclusive.

In the event that such covered pedestrian space is not provided pursuant to this paragraph, (a), concurrently with a ~~development~~ or ~~enlargement~~ north of such covered pedestrian space, both shall be designed to allow for compliance with the provisions of this Section upon completion.

a) ~~Through block connection~~

A publicly accessible through block connection, open to the sky, shall be provided along the eastern edge of the Lincoln Tunnel Approach. Such connection shall have a minimum width of 20 feet and provide a direct connection with the covered pedestrian space required pursuant to paragraph (a) of this Section.

a) Plaza

A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space or open area required pursuant to paragraph (a) of this Section. Such plaza shall be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.

b) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# or #enlargement# shall be constructed that connects with such passage.

No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

93-732

Certification for public access areas on the Ninth Avenue Rail Yard

No certification for the phased development of public access areas on the Ninth Avenue Rail Yard shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building# located on the northeast corner of the Ninth Avenue Rail Yard, that the art plaza, required pursuant to paragraph (c) of Section 93-73, will be provided in connection with the construction of a #building# located on the southeast corner of the Ninth Avenue Rail Yard and that in connection with the construction of a #building# on the southwest corner of the Ninth Avenue Rail Yard, the West 31st Street connector required by section (e) of Section 93-73 and a 20-foot wide paved area along the eastern edge of Dyer Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include: a site plan indicating the area and dimensions of the public access area, or portions thereof, and a detailed plan or plans demonstrating compliance with the requirements of Section 93-73.

Plans for the public access areas shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Office of the City Register of the City of New York for New York County and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the plans for public access area, or portions thereof associated with such phase.

No temporary certificate of occupancy from the Department of Buildings may be issued for a #building#, or portion thereof, where the total amount of #floor area# that has been #developed# or #enlarged# on the Ninth Avenue Rail Yard exceeds 3,204,000 square feet until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access areas at 450 West 33rd Street required by paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street) and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 have been substantially completed and are open and usable by the public. Notwithstanding the foregoing, the Chairperson may, with respect to the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 at 450 West 33rd Street, certify to the Commissioner of Buildings that such temporary certificate of occupancy may be issued absent their substantial completion provided that:

- (a) the owner of 450 West 33rd Street has submitted proof that all or portions of the area of the West 31st Street passageway required by paragraph (c) of Section 93-72 was at any time subject to a lease with an expiration date of December 31, 2019 and was not able to obtain control of the areas subject to such lease on or before December 31, 2017;
- (b) a letter of credit has been posted in accordance with City requirements, and such letter of credit:
 - (1) is in an amount equal to 200 percent of the estimated cost to construct the public access area and the elevator at 450 West 33rd Street, required by paragraphs (c) and (d) of Section 93-72, respectively, as set forth in a cost estimate prepared by a professional engineer. Such cost estimate shall be based upon construction documents prepared by a registered architect and submitted with the application for certification pursuant to this Section, and shall be subject to review and acceptance by the City; and
 - (2) authorizes the City to draw upon the letter of credit if such public access area and elevator have not been substantially completed and are not open and usable by the public by December 31, 2022;
- (c) that an easement agreement has been recorded granting the City access to 450 West 33rd Street and the Ninth Avenue Rail Yard, as may be necessary for purposes of constructing the public access area and elevator required by paragraphs (c) and (d) of Section 93-72, respectively, if they are not completed by the owner by December 31, 2022; and
- (d) in addition to the foregoing, such letter of credit shall be maintained from the date of certification for temporary certificates of occupancy, pursuant to this Section, until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 have been substantially completed and are open and usable by the public, or until same have been substantially completed by

the City. The Chairperson may, no more frequently than annually, require the submission of an updated or new letter of credit in an amount that reflects changes in costs over time, and such updated or new letter of credit shall be subject to the requirements and procedures of paragraph (b) of this Section, until such letter of credit is released based upon substantial completion.

Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-734 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with a phase of #development#, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, has been fully completed in accordance with the plan therefor, and that such public access area, or portions thereof, are open and useable by the public.

93-733

Certification to modify general requirements of public access areas for ventilation demands

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-734

Certification to temporarily modify public access areas for construction staging

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that the area designated for public access will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer amenities and other features required pursuant to Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as site plan approval pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard) and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site plan shall be implemented.

* * *

93-75

Publicly Accessible Open Spaces in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section, inclusive. Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A identifies the location of publicly accessible open spaces.

* * *

93-751
General requirements for the Western Open Space

* * *

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

* * *

(c) Core elements

The Western Open Space shall provide the following core elements:

* * *

(3) Supplemental area

* * *

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the West 32nd Street Extension's Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B Map 8, to the #High Line#, and the second such pedestrian access shall link the West 31st Street Extension to the #High Line#.

* * *

93-752
General requirements for the Central Open Space

* * *

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by #buildings# at the ground level as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A.

* * *

93-753
General requirements for the Southwest Open Space

* * *

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A.

* * *

93-754
General requirements for the Northeast Plaza

A publicly accessible open space, (henceforth referred to as the “Northeast Plaza”), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A. The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be provided in accordance with the standards for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

* * *

93-755
General requirements for the Midblock Connection

A pedestrian way, (henceforth referred to as the “Midblock Connection”), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan), in Appendix B Appendix A.

* * *

93-76

Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75. Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

* * *

93-761

General requirements for the West 32nd Street Extension

A private street, (henceforth referred to as the “West 32nd Street Extension”), shall be provided south of and parallel to West 33rd Street.

(a) General purpose

* * *

- (3) to provide a unique urban park-like experience for an active public #street# by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A; and

* * *

(b) Location and dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 3 in Appendix B Map 8, except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-751 (General requirements for the Western Open Space).

* * *

(c) Core elements

- (2) Planting and seating requirements for the southern sidewalk and the Allee

* * *

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double

row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the Allee, as shown on Map 3 in Appendix B ~~Map 8~~. No #building or other structure# shall be permitted within 15 feet of the southern edge of the Allee.

* * *

93-762

General requirements for the West 31st Street Extension

* * *

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 3 ~~Map 8~~ (Subdistrict F: Public Access Area Plan) in Appendix B ~~Appendix A~~, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the Southwest Open Space), and/or paragraph (f) of Section 93-752 (General requirements for the Central Open Space), as applicable.

* * *

93-763

General requirements for the West 30th Street Corridor

* * *

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street and the eastern edge of the Southwest Open Space, as shown on Map 3 ~~Map 8~~ (Subdistrict F: Public Access Area Plan) in Appendix B ~~Appendix A~~.

* * *

93-764

General requirements for the Connector

* * *

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 3 ~~Map 8~~ (Subdistrict F: Public Access Area Plan) in Appendix B ~~Appendix A~~.

* * *

93-78

Site and Landscape Plans for Public Access Areas in Subdistrict F

* * *

(e) Where a phase of development results in all development sites in Subdistrict F, as shown on Map 2 Map 7 (Subdistrict F: Site Plan) in Appendix B Appendix A, having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved, pursuant to paragraph (c) of this Section, at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

* * *

93-821

Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

- (a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.
- (b) For Use Group 5 #transient hotels#, the provisions of Section 13-131 shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.
- (c) For Use Group 6B offices, not more than 0.16 #accessory# offstreet parking spaces may be provided for every 1,000 square feet of #floor area#.
- (d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph, (d):
 - (1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;

- (2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and
 - (3) in no event shall the total number of #accessory #offstreet parking spaces for all #uses# exceed 1,000.
- (e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:
- (1) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(1)(i), (e)(1)(ii) and (e)(1)(iii), is less than or equal to 5,084 spaces:
 - (i) the #reservoir surplus# or zero;
 - (ii) the #Hudson Yards development parking supply#; and
 - (iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and
 - (2) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(2)(i), (e)(2)(ii), (e)(2)(iii) and (e)(2)(iv), is less than or equal to 5,905 spaces:
 - (i) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized, in accordance with the definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81;
 - (ii) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;
 - (iii) the #Hudson Yards development parking supply#; and
 - (iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.
 - (3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.

- (4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-822

Permitted parking when a reservoir deficit exists

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by Section 13-131.
- (b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).
- (c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:
- a) a #reservoir deficit# exists;
 - b) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and
 - c) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821.
- (d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

* * *

Appendix A
Special Hudson Yards District

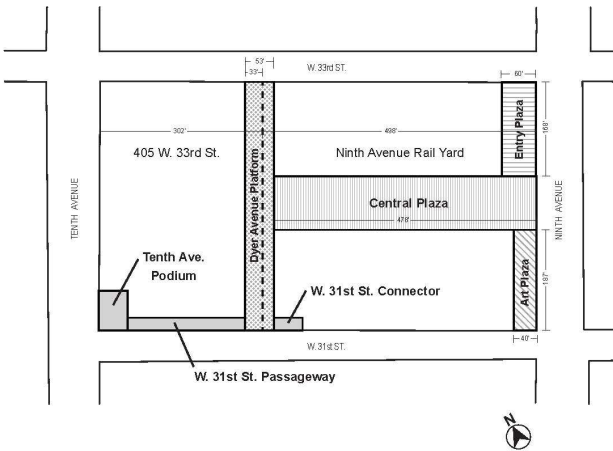
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Appendix B

Special Hudson Yards Subdistrict Maps

Map 1 - Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan

Map 7 Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan



- Open Space Boundaries
- ▨ Central Plaza
- ▨ Entry Plaza
- ▨ Art Plaza
- ▨ Dyer Avenue Platform
- ▨ Tenth Ave. Podium, W. 31st St. Connector, W. 31st St. Passageway

Map 2 ~~Map 7~~ - Subdistrict F: Site Plan

* * *

Map 3 ~~Map 8~~ - Subdistrict F: Public Access Area Plan

* * *

Map 4 ~~Map 9~~ - Subdistrict F: Mandatory Ground Floor Requirements

* * *

Map 5 ~~Map 10~~ - Subdistrict F: Mandatory Street Wall Requirements

* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on April 29, 2014, on file in this office.

.....
City Clerk, Clerk of The Council